IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22688 of 2004

Between:

M.A. Razak Shaik S/o Mohd, Abdul Basheer Shaik
R.O. H. No. 1-7-12, Old Garden, TD Gutta Mahaboobnagar of Mahaboobnagar District

..... PETITIONER

AND

The District Collector, Mahaboobnagar District, at Mahaboobnagar

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction one in the nature of Writ of mandamus directing the respondent to consider the representation dated 5-12-2003 for allotment of suitable place in the premises of Collectorate, Mahaboobnagar for running a Xerox and Type-Writing Job works therein as the petitioner is a physically Handicapped person being deaf and dumb in terms of the observation made by this Hon'ble High Court in Judgment dated 9-4-2002 in WPNo. 25725 of 2000.

Counsel for the Petitioner: MR.M.DAMODAR REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court, at the stage of admission, made the following:

ORAL ORDER:

The case of the petitioner, who is a physically handicapped person, is that he has been running a bunk by doing job work in the premises of the respondent-Collector, Mahabubnagar, for the last several years. While so, without any notice and opportunity, the respondent proposed to evict the petitioner from the said premises. Aggrieved by the same, he preferred W.P.No.25725 of 2000 and obtained interim order restraining the respondent from evicting the petitioner. The above writ petition was finally disposed of by this court on 9.4.2002 directing the respondent to consider the request of the petitioner for providing some other place if it is feasible to put up a bunk to enable the petitioner to eke out his livelihood by attending to typewriting work, since he is a physically handicapped person.

Learned counsel for the petitioner contends that during the pendency of the W.P.No.25725 of 2000, the staff of the respondent evicted the petitioner from his possession and demolished the bunk without any notice and opportunity. It is further contended that,

pursuant to the orders of this court in W.P.No.25725 of 2000, the petitioner made a representation to the respondent on 5.12.2003, to consider his request for allotment of suitable place within the compound of the Collectorate, so as to enable him for taking up the Xerox and typewriting work. Since no action has been forthcoming from the respondent for provision of suitable place to erect a bunk in the premises of the respondent, the petitioner preferred the present writ petition for a direction to the respondent to allot suitable place in the premises of the Collectorate, Mahabubnagar, for running a bunk.

Heard the learned counsel on either side.

On earlier occasion, this court while disposing of the W.P.No.25725 of 2000, observed that no elaborate argument is required to show that the occupation of land in the premises of the Collectorate by the petitioners therein would cause inconvenience to those who come to the office of the District Collector for various purposes. It was further observed that the petitioner, being physically handicapped person, the respondent may consider the request of the petitioner for providing some other place if it is feasible to put up a bunk to enable the petitioners to eke out their livelihood by attending to typewriting work.

In the circumstances, having regard to the findings made in W.P.No.25725 of 2000, it is made clear that the respondent is at

liberty to consider the case of the petitioner for accommodating him in the said premises for running the bunk, on humanitarian grounds, subject to availability of accommodation in the said premises.

With the above observation, the writ petition is dismissed. No order as to costs.

8.12.2004

CVM

To

1. The District Collector, Mahaboobnagar District, at Mahaboobnagar

2.2CCs to the Government Pleader for Revenue, A.P. High Court

Buildings, Hyderabad (OUT).

3.2CD copies